

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA, )  
)  
)  
Plaintiff, )  
)  
v. )  
)  
MARCELLA TRIANA )  
)  
Defendant. )  
)  
\_\_\_\_\_ )

CASE NO. 2:11-CR-298-KJD-VCF

**PROPOSED ORDER**

**FINDINGS OF FACT**

Based on the Government's pending Unopposed Motion to Continue Sentencing, and good cause appearing therefore, the Court hereby finds that:

1. The parties are in agreement to continue the Sentencing date as presently scheduled.
2. This Court is convinced that an adequate showing has been made that to deny this request for continuance, taking into account the exercise of due diligence, would deny the United States sufficient time to be able to effectively prepare for the co-conspirator and target trials and would bar the defendant from the opportunity to cooperate and potentially receive downward departures at the time of sentencing. This decision is based on the following findings:
  - a. The defendant agreed in her plea agreements to cooperate against her coconspirators in any related indictments and trials.
  - b. The United States agreed to consider downward sentencing concessions for the defendant's cooperation, including possible U.S.S.G. 5K1.1 Motions if substantial assistance resulted from such cooperation.

- c. The United States anticipates several additional pleas, indictments and trials in related cases, but not sooner than 8 months from now. Specifically, the defendant may be called to testify in *United States v. Benzer et al.*, Case No. 2:13-cr-00018-JCM-GWF.
- d. The parties need additional time to prepare the defendant's cooperation against other co-conspirators and targets.
- e. The defendant does not object to the continuance.
- f. The defendant is out of custody.

3. For all the above-stated reasons, the ends of justice would best be served by continuing the Sentencing date.

4. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. Section 3161(h)(8)(A), considering the factors under 18 U.S.C. Sections 3161(h)(8)(B)(I) and (v).

### **ORDER**

**IT IS THEREFORE ORDERED** that the Sentencing date currently set for September 17, 2013, is vacated and is continued. This delay is excluded from the time within which the trial must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A). It is further ordered that the defendant's sentencing hearing is set for May 6, 2014, at the hour of 9:00 a.m., in Courtroom # 6D.

**DATED** this 24th day of June, 2013.

  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
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**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that this pleading was filed with the clerk of court via ECF and will be served electronically via ECF on all parties that have entered their appearances in this case.

Dated: June 20<sup>th</sup>, 2013

JEFFREY H. KNOX  
Chief, U.S. Department of Justice  
Fraud Section, Criminal Division

/s/ Thomas B.W. Hall  
THOMAS B.W. HALL  
Trial Attorney, U.S. Dept. of Justice  
Criminal Division, Fraud Section